

BEFORE THE

MERIT SYSTEMS PROTECTION BOARD

In the Matter of:

MURPHY A. JUNAID,

Appellant,

v.

DEPARTMENT OF THE ARMY,

Agency.

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) Docket No.
) DA-0752-11-0398-I-1
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5th Floor Courtroom
Nueces County Courthouse
901 Leopard Street
Corpus Christi, Texas

Thursday,
September 8, 2011

The above-entitled matter came on for hearing,
pursuant to notice, at 9:05 a.m.

BEFORE: HON. RONALD J. WEISS
Administrative Law Judge

APPEARANCES:

On behalf of the Appellant:

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ON THE RECORD REPORTING
(512) 450-0342

1 Corpus Christi Army Depot.

2 Q And before that, what position did you have?

3 A I was chief of Industrial Engineering Division,
4 Corpus Christi Army Depot.

5 Q Okay. Before you started working at CCAD in
6 2009, what position did you hold?

7 A I was the senior project manager, program
8 manager, for Corpus Christi Army Depot with Knowledge-
9 Based Systems. It's a private consulting firm.

10 Q How long did you work for Knowledge-Based
11 Systems?

12 A A little over ten years.

13 Q On March 26, 2009, while you were still working
14 for Knowledge-Based Systems, there was an incident where
15 there was a discussion and a home team meeting about
16 overcrowding in the Knowledge-Based Systems area, and then
17 an incident involving some file cabinets. Can you please
18 describe your participation in that incident?

19 A We had an issue where we had a couple of new
20 employees that were coming in for Knowledge-Based Systems
21 that required a couple of additional desks in the area
22 that we occupied in Building 8 of CCAD. Part of what
23 would be required would be to pull some file cabinets that
24 were occupying space where we're going to put desk
25 locations into an adjacent office, to add those two desk

1 locations.

2 We had gone to Ron Howe at this home team
3 meeting, requesting to utilize that space and to relocate
4 the file cabinets, and he had approved it. We went
5 through restructuring the office space, pulling the file
6 cabinets into another adjacent office, and establishing
7 the two desks. And I'm sorry. I --

8 Q And so what happened, as far as you were
9 involved? What did you see or what happened?

10 A I was -- I actually am in an adjoining office
11 to the space that was being rearranged, so my desk
12 actually looks upon the area that was being reconfigured.
13 Sometime later that morning, after the space had been
14 rearranged, I was confronted by Murphy Junaid who came up
15 to my desk and was complaining that the space had been
16 rearranged without being coordinated through him, and I
17 directed him to go speak to Mr. Howe, who was the acting
18 division chief for industrial engineering at the time.

19 Q Was that all that you were able to observe?

20 A No. Actually there was quite a bit more.
21 After that confrontation, he came back to the office space
22 approximately an hour, 45 minutes later, and began pulling
23 files out of file cabinets that were placed into an office
24 space that he occupies at the time with another coworker,
25 Eric Lundgren. He pulled files out of the file cabinets

1 and then started to pull the file cabinets out of that
2 space, into the office space that KBSI was occupying.

3 During that time, Mr. Judi Ballard who was the
4 admin assistant for industrial engineering came into the
5 room and was basically instructing him to stop, you know,
6 disrupting the office space, and at that point, he pushed
7 with his forearm, pushed her back towards the doorway that
8 entered that office space, and then eventually closed the
9 door into her, as she was speaking to him and telling him
10 to stop the misbehavior at the time. I witnessed that,
11 and then after that, Mr. Junaaid left the space.

12 Q As far as you know, was there anything that you
13 did wrong for which management should have taken some kind
14 of corrective action?

15 A No. I don't think I did anything improper.

16 Q Sometime after that, you applied for and were
17 selected for the position of chief the Industrial
18 Engineering Division. Is that right?

19 A That's correct.

20 Q Who selected you for that position?

21 A Kresten Cook who was the director of
22 engineering services at the time.

23 Q Did you become aware at some point that that
24 selection he made was challenged in an EEO case later
25 brought by the Appellant?

1 Q Okay. Did you become aware that the 14-day
2 suspension that the Appellant eventually received from
3 that incident from Mr. Cook was challenged at another EEO
4 case brought by the Appellant?

5 A I was aware that that had happened.

6 Q Now, at the time that you became the IED chief,
7 was it customary for your work center to have what's
8 called a home team meeting from time to time?

9 A It's not from time to time. It's actually
10 regularly scheduled. It was every Wednesday at 8:00 a.m.
11 It is a mandatory meeting for all the industrial
12 engineering staff.

13 Q And were these meetings part of a CCAD-wide
14 initiative under something called Process-Based
15 Leadership, PBL?

16 A Yes, it is.

17 Q And what word did your work center -- did the
18 folks usually use to call these meetings?

19 A The home team meetings.

20 Q Home team meetings? Basically what went on in
21 these home team meetings?

22 A Basically, it's meant to be a forum, so that
23 the engineers and other staff can bring issues to the
24 industrial engineering chief that requires his attention
25 and action for status, as well as coordination amongst our

1 team and other organizations at the depot. So it's
2 primarily a staff meeting to talk about open actions.

3 Q What were the roles that had to be fulfilled by
4 individuals at these meetings?

5 A There were three defined roles. There was a
6 facilitator who acted as the meeting leader and directed
7 the agenda of the meeting. You had an action register
8 keeper who basically was your recorder for new actions and
9 updates to the software system, which was actually called
10 PBL, Process-Based Leadership, to input those actions and
11 maintain record of the meeting during the event. And then
12 we also had hazard analysis or safety tip as a required
13 role. So there were those three defined roles for those
14 meetings.

15 Q Was the action register role a difficult task
16 for someone to perform?

17 A No, no.

18 Q Was it oppressive in any way?

19 A No.

20 Q Was attendance at these meetings mandatory in
21 your work center?

22 A Yes, they were.

23 Q Was there any way to get out of these --
24 attending the meetings?

25 A Absolutely. I mean, if there was an urgent

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1 requirement, if somebody was on scheduled leave prior to
2 the meeting, they would be excused. If it was an urgent
3 matter, it needed to be coordinated with me in terms of
4 noting that they would not be in attendance. But
5 otherwise it was considered mandatory.

6 MR. MUIR: Permission to approach the witness,
7 Your Honor.

8 JUDGE WEISS: Yes.

9 BY MR. MUIR:

10 Q I'm showing you what's been marked as Exhibit
11 4-T, and from the Agency response, and Exhibit 4-T is an
12 email exchange from May 12 and 13 of 2010. And it starts
13 with Mr. Weeks telling you that the Appellant did not want
14 to be on a list to give a safety tip for September,
15 because he didn't volunteer.

16 A Yes.

17 Q Now, who is Mr. Weeks?

18 A Mr. Weeks was a representative of the AFGE
19 union, the local union for professionals and Wage Grade
20 workers at CCAD.

21 Q Had you been having -- before this email, had
22 you been having any discussion with the Appellant about
23 his performing PBL roles at the home team meeting?

24 A He had voiced an issue that he didn't want to
25 have any assigned role during the meeting. Part of the

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1 issue came about because of the incident that had occurred
2 with Mr. Howe regarding the prior PBL, and I had allowed
3 him to not act as a facilitator, but the role of action
4 register keeper and the hazard analysis roles, he was
5 required to maintain. And that was part of the reason for
6 this exchange, was to reinforce that those roles were
7 appropriate and that he had them as normal parts of his
8 duty.

9 Q So you'd already let him know in some way that
10 he didn't have to be facilitator at these meetings.

11 A That's correct.

12 Q Okay. And in the email, Mr. Weeks tells the
13 Appellant that you are correct, that you can assign safety
14 tips to the Appellant because you're expecting it from all
15 the IED staff.

16 A That's correct.

17 Q And is it true that you were expecting all of
18 your staff to participate with the safety tips and action
19 register?

20 A Absolutely.

21 Q Did you have any more discussions with the
22 Appellant about this matter between that email in May --
23 which was sent in May and October of 2010?

24 A Yes. It came about again at the beginning of
25 the fiscal year, which occurs October 1. I re-released

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1 started, you know, this year's list, he had just completed
2 those roles and didn't appear on the next one. We had a
3 approximately 16 people in our department, and were
4 rotating through a 12-month cycle, so he would have
5 appeared on the FY-12 rolls if the roster had maintained
6 the same.

7 Q Take a look at tab 4-R, please, R as in Robert.

8 A (Complying.)

9 Q And you should be looking at an email from the
10 Appellant in which he says, also on October 4, that he is
11 absolutely not interested in participating.

12 A Yes.

13 Q Besides you, who are those other folks that he
14 copied on that email?

15 A It went out to all the staff of industrial
16 engineering, and I believe that's the limit of this email.

17 Q Now, had he tried to call you, to discuss that
18 matter before sending out that email response?

19 A No.

20 Q Did you communicate back with him in some way
21 after you got that email about that?

22 A Yes, I did.

23 Q How did you -- what did you do?

24 A I believe I communicated to him verbally and an
25 email that again the roles are not, you know, voluntary

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1 for the action register, that they're assigned duties and
2 that I expected him to perform them.

3 Q On October 6, which was a employed, there was a
4 home team meeting. Is that right?

5 A That's correct.

6 Q And what room was the home team meeting held
7 in?

8 A It was being held in the -- what's called the
9 DES conference room, Directorate of Engineering Services
10 conference room, which is adjacent to the industrial
11 engineering space in Mez 33, Building 8.

12 Q And what time was the meeting set for?

13 A it was set for 8:00 a.m. on Wednesday.

14 Q When you got to the room, who else do you
15 recall being there?

16 A At the time -- I keep a roster of the IED
17 staff, so I would have done a check-off, but Mr. Junaid
18 was not present. I don't recall anyone else who was
19 absent during the meeting.

20 Q But actually I'm not asking you during the
21 meeting. I'm asking when you initially just walked in the
22 room, do you recall who else was in the room?

23 A Predominantly all of the IED staff.

24 Q Okay.

25 A We also have contractors who attend the

1 meetings, so there probably was a representative of
2 contract groups there, too.

3 Q When you got to the room for the meeting, was
4 the system logged on to the meeting agenda?

5 A No, it wasn't.

6 Q And that's what the action register person
7 would have done. Right?

8 A That's correct.

9 Q What did you do when you noticed that Mr.
10 Junaid was not there?

11 A First of all, I sat at the table for a couple
12 of minutes, prior to the starting of the meeting time.
13 When it was obvious that, you know, he wasn't going to be
14 there in time to get set up for the meeting, I went to Mr.
15 Junaid's desk.

16 Q You went to go look for him?

17 A Yes, I did.

18 Q Did you find him?

19 A Yes, I did.

20 Q And more or less, what time was it that you
21 left that conference room?

22 A It was nearly straight up eight o'clock. It
23 may have been, you know, half a minute before or half a
24 minute after, but it was roughly straight up eight
25 o'clock.

1 Q And had the meeting actually started yet when
2 you went to go look for him?

3 A No. I asked somebody to be prepared to step
4 in, to bring up the action register, to start the meeting
5 when I returned, but I didn't anticipate being gone more
6 than a meeting or two, and then we would start the
7 meeting.

8 Q Was there anyone who knew that you were leaving
9 the meeting to go look for the Appellant?

10 A I communicated to Judi Ballard, you know,
11 before I left the room that I was going to go try to
12 locate Murphy to have him come in and set up to run the
13 meeting.

14 Q Roughly how long does it take to walk from the
15 DES conference room to what at that time was the
16 Appellant's office?

17 A I walked it. It takes less than 45 seconds
18 from the conference room to his desk.

19 Q So you walked it and you timed it?

20 A Yes. It's about 120 feet, and it took about
21 42, 43 seconds.

22 Q Okay. Can you please turn to Exhibit 15, which
23 is in the back of that binder. It's actually probably the
24 very last exhibit there. It's a blueprint.

25 A (Complying.) Yes.

21

1 Q Okay. Looking at that blueprint, is that an
2 accurate portrayal of the relative locations of the DES
3 conference room and the Appellant's office?

4 A Yes, it is.

5 Q Okay. You can close that binder up, please.
6 And when you got to the Appellant's office, was he there?

7 A Yes, he was.

8 Q And what happened?

9 A I told him that, you know, the PBL meeting was
10 about to start, the home team meeting was about to start.
11 He had an assigned role as the action register keeper and
12 that he needed to present himself at the meeting and to
13 begin the meeting and log on, get us prepared to start our
14 home team meeting.

15 Q And what did he tell you?

16 A he just basically told me to get out of his
17 office, that he -- he told me he had no interest in
18 participating. Again I reinforced that he had an assigned
19 role, that it was a mandatory role, and that he present
20 himself, you know, for the meeting. Again he directed me
21 to get out of his office, and at that point, I left the
22 office space, and I went back to conduct the meeting.

23 Q What tone of voice did he use to tell you to
24 get out of his office?

25 A Hostile, raised voice, shout.

1 Q How long do you think that verbal exchange
2 between the two of you took?

3 A It was less than a minute, minute and a half at
4 most. I didn't time it, but it was less than two minutes
5 for sure.

6 Q And when you got back to your home team
7 meeting, did you tell anyone what had transpired?

8 A No. I sat down. I instructed the meeting to
9 start. I had a substitute step over, log into the
10 computer, and start the home team meeting. And then I
11 immediately sat down and recorded notes from the incident
12 that had occurred.

13 Q Take a look at tab 4-Q.

14 A (Complying.) Yes.

15 Q And that's a memorandum dated October 6 of
16 2010. Is that right?

17 A That's correct.

18 Q When did you type that up?

19 A I typed it up immediately after the home team
20 meeting. The home team meeting typically lasts between 45
21 and 50 minutes, and I went back immediately to my desk
22 after that meeting and wrote the memo.

23 Q Is the memorandum accurate?

24 A Yes, it is.

25 Q In that memorandum at paragraph 11, it says

1 that you made notations of the Appellant's comments
2 immediately after the encounter.

3 A Yes.

4 Q Where did you make those notations?

5 A I have a calendar book that has in it a roster
6 for the home team meeting and a space for note-taking, and
7 I just -- I had wrote my notes immediately, you know, when
8 I got back to the home team meeting and after it had
9 started. It was on just my calendar book at that time.

10 Q In the same paragraph 11, you say that you're
11 recording this memorandum at 9:10 a.m., immediately after
12 the --

13 A Yes.

14 Q -- PBL meeting. Did you save that memorandum
15 on your computer?

16 A Yes, I did.

17 Q Did you send the memorandum to me?

18 A I believe so. I don't remember the date that
19 it was sent to you.

20 Q Take a look at Exhibit 5, again towards the
21 back of the binder.

22 A (Complying.)

23 Q Are those the Outlook properties from the
24 document which is called M Junaid 10-06-10 --

25 A Yes.

1 Q -- .doc? Okay. And that shows -- it says that
2 you created that document at 9:10 a.m. on October 6, 2010.

3 A That's correct.

4 Q Is that information accurate?

5 A Yes, it is.

6 Q Now, the Appellant says that you made all this
7 up and that there was never any meeting with you on
8 October 6. How do you respond to that?

9 A Well, that's false. There was a confrontation
10 that happened at that point.

11 Q Did you follow up with the Appellant about the
12 incident?

13 A Yes, I did.

14 Q What did you do?

15 A Called for a meeting to occur on the 7th to
16 discuss the incident and again his nonparticipation in the
17 home team meeting.

18 Q Please take a look at Exhibit 4-P, P as in
19 Peter.

20 A (Complying.)

21 Q On the bottom half of that page, there's an
22 email that you sent the Appellant on October 6, directing
23 him to accept your calendar invite for an October 7 two
24 o'clock meeting. Is that right?

25 A That's correct.

1 entered on October 7, that it was false because he was
2 actually seated at his desk when you entered his office.
3 Correct?

4 A That's correct.

5 Q Okay. And is everything in that memorandum
6 true and correct?

7 A Yes, it is.

8 Q When did you write that memorandum?

9 A I wrote it immediately after we had the
10 discussion at two o'clock, the scheduled 1400 meeting. It
11 was done within an hour of that meeting.

12 Q In the October 7, two o'clock meeting, did you
13 again make it clear to the Appellant that participation in
14 the home team meetings was mandatory?

15 A Yes, I did.

16 Q The next home team meeting was actually held on
17 Wednesday, October 20, 2010. Is that right?

18 A That's correct.

19 Q Did the Appellant attend that October 20
20 meeting?

21 A No, he did not.

22 Q Had the Appellant arranged for anyone else to
23 do the action register at that meeting?

24 A No, he did not.

25 Q Take a look at Exhibit 4-L.

1 A (Complying.) Yes.

2 Q Is that the memorandum you prepared regarding
3 the October 20 meeting?

4 A Yes, I did.

5 Q Okay. And that's regarding -- well, let me ask
6 you. Did you have a meeting on October 25 with the
7 Appellant to discuss his failure to attend the October 20
8 meeting?

9 A Yes, I did.

10 Q Did you ask him why he failed to attend that
11 meeting?

12 A Yes, I did.

13 Q Do you recall what he said?

14 A If I recall the meeting correctly, he made a --
15 he asked the question, what regulation, you know, required
16 him to attend, and I'd answered him in response that as
17 his supervisor, I directed him as a mandatory task to
18 attend. That was the authority for his attending that
19 meeting.

20 Q Take a look at Exhibit 4-J.

21 A (Complying.) Yes.

22 Q Is that your memorandum, summarizing that
23 October 25 meeting that you had with the Appellant?

24 A Yes, it is.

25 Q Did you prepare it the same day?

1 that is quite large, but it only had two people in it.

2 And so one of the occupants, Mr. Lundgren, was
3 there, and I asked him if he had a problem with the file
4 cabinets being moved up, abutting his desk, and he said,
5 No, I have a partition to block the sound, and it doesn't
6 matter if it's a partition or a file cabinet. So he was
7 fine with the cabinets being moved in. So I left, and I
8 knew that the file cabinets were being moved in.

9 And then later Mr. Lundgren came down to my
10 office, and he said that Mr. Junaid was taking files out
11 of the cabinets and physically moving the cabinets by
12 himself, and I walked down to see what was going on. And
13 when I opened up the door, he was at the door with the
14 file cabinet, and I told him to stop. And then we had
15 words. He yelled at me, and I told him not to act like my
16 granddaughter, so --

17 Q What did the Appellant yell at you?

18 A To leave him alone, get out. Go get Mr. Cook,
19 if you want.

20 Q And then what happened after that? What
21 happened next?

22 A Well, he tried to close the door on me, and
23 that's when I told him not to even try to do that. But at
24 that point, I left and went down to the director's office
25 to try to find Mr. Cook.

1 in the meeting.

2 Q Was running the action register considered a
3 difficult task?

4 A No.

5 Q There was a home team meeting on October 6,
6 2010, and you attended that meeting. Is that right?

7 A Yes.

8 Q Okay. Did the Appellant come to that home team
9 meeting?

10 A No.

11 Q When you arrived at that meeting that morning,
12 what happened or what did you observe happening?

13 A Well, when I walked in, Mr. Hogg was sitting at
14 the table, and I pointed at the computer, and I said, Mr.
15 Junaid, and I pointed at the facilitator's chair, and I
16 said, Jamie Lee. That was their function for that month,
17 and I said, But Jamie will not be here till 8:00, so it
18 will be a few minutes after. Our meeting was scheduled to
19 start at 8:00. I said, So it will be a few minutes after
20 when she will get here.

21 And he asked where Mr. Junaid was, and I just
22 shrugged my shoulder, and at that point, he said, I'll be
23 right back, and he left. The next in line after Jamie Lee
24 was Richard Medrano, so he started the meeting. I went
25 over to the computer to start the computer, but I couldn't

1 A Yes, sir, I did.

2 Q Did you receive also a written and an oral
3 reply with the Appellant?

4 A Yes, I did. Written and oral.

5 MR. MUIR: I'm going to approach the witness,
6 Your Honor, and I'm going to show you what's been marked
7 as tab 4-F.

8 JUDGE WEISS: Okay.

9 BY MR. MUIR:

10 Q (Handing document.) Mr. Braddy, was that the
11 Appellant's written reply?

12 A Yes, sir. It appears to be. It was, as I
13 recall, about 90 pages, and this is a little over 90
14 pages. Yes. This is his written reply.

15 Q Did you give full consideration to the
16 materials that were submitted to you by the Appellant?

17 A Yes, I did.

18 Q And you also held an oral reply meeting for the
19 Appellant. Correct?

20 A Yes. In December of 2010.

21 Q Was the Appellant accompanied by a union
22 representative?

23 A He was.

24 Q Did you take notes at that meeting?

25 A I did.

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1 A Well, initially I said, Well, I don't think I
2 need to meet with you. He said, well, he wants to discuss
3 the October 6 incident with me. I said, I don't know what
4 incident you're talking about; I don't have any reason to
5 meet with you, and I don't have to be in your office.

6 Q And you don't deny that you sent the email that
7 called him a racist and a bigot --

8 A Oh, well, no. I did send it, because his
9 actions speak louder than words, because when you punish
10 somebody acting on your behalf for going through the
11 regulations, doing exactly what they were supposed to do,
12 and saying he was insubordinate for something that he did
13 right, what can you call it? It's discrimination; it's
14 racist. So I called him a racist and a bigot.

15 Q Now, Mr. Junaid, after you sent that email that
16 you said you weren't going to come to the meeting, what
17 happened?

18 A Well, I sent it out, and I think I copied
19 several people, including you yourself, and you sent
20 email, said, Well, you need to meet with him, because that
21 would cause you, you know, problem in the future. So I
22 said, Okay, I called the union office, and I talked to
23 Omar Walker. I said, Listen, Gary Hogg wants to meet with
24 me. This is the email, you know. I didn't know why. So
25 Omar Walker came with me, and we went and saw him in his

1 office on October -- at two o'clock that day.

2 Q Now, earlier in the morning on October 7, 2010,
3 at 11:13 a.m., Mr. Hogg says he came to your office. Do
4 you remember that happening?

5 A I was walking out, towards -- to go into the
6 restroom. He was walking into my office. I walked past
7 him. I went and used the restroom. If he said he was
8 waiting -- you know, he came to talk to me, even if I
9 walked past him, he could have waited till I came back and
10 said, Hey, I was waiting for you; I came to talk to you;
11 we have a problem. But he didn't say -- I didn't listen
12 to what he was saying.

13 I was walking to the restroom. He was walking
14 into my office. It's a government office. He's been to
15 my office several times while I was in there or while I
16 was not, because some employees have saw him open my
17 office, after being locked, you know, left and gone home,
18 opened my office, go inside my office, do whatever he
19 wants to do. it's government property. I don't have any
20 private property or anything in there, so I wasn't
21 concerned. He was walking into my office. I was walking
22 out.

23 Q Now, at that time of morning, 11:13, October 7,
24 2010, did you have the intent to attend the two o'clock
25 meeting?

1 A (Complying.) Okay.

2 Q Okay, sir. And that's the email that you sent
3 to Mr. Hogg on October 7, 2010, at 12:11 p.m. Correct?

4 A Correct.

5 Q So you actually sent this email to Mr. Hogg
6 after the 11:13 meeting where he passed you in the
7 doorway. Correct?

8 A If I sent it at 12:11 p.m., yes.

9 Q Right. So it was actually -- you sent this
10 email after you already had that incident where you passed
11 Mr. Hogg in the doorway when he was coming in your office.
12 Correct?

13 A Yes. I was going to the restroom at that time.
14 Yes.

15 Q Right. And in this email, on the first
16 paragraph, the third sentence on that first paragraph, it
17 says -- and let me read it to you -- "There are two EEO
18 cases on my behalf against you pending and wish not to
19 appear in your sight for any reason until these cases are
20 resolved."

21 Now, sir, is that sentence there consistent
22 with what you just said, that you fully intended to go to
23 the two o'clock meeting?

24 A Well, since I sent my lawyer information and I
25 sent it to Mr. Braddy also, my attorney said, Well, you

1 on October 6, and I told him, There's nothing -- he didn't
2 speak to me on October 6.

3 Q Did he tell you in the two o'clock meeting with
4 him on October 7 that it was perfectly fine if you didn't
5 show up at his meetings?

6 A He didn't tell me that. Omar Walker asked him,
7 he said if the meeting was mandatory, show us the
8 regulation that says the word "mandatory." He couldn't
9 provide anything.

10 Q So he did tell you the meeting was mandatory.
11 Right?

12 A He told myself and Omar Walker. That's -- the
13 meeting was mandatory; you didn't show up. Omar Walker
14 asked him, Where is -- show us the regulation that says
15 the meeting was mandatory.

16 JUDGE WEISS: I'm confused now, Mr. Junaid,
17 because I think you just said two different things there.
18 Did Mr. Hogg tell you the meetings were mandatory? yes or
19 no?

20 THE WITNESS: Yes, he did.

21 JUDGE WEISS: Okay. Go ahead.

22 BY MR. MUIR:

23 Q Is it correct that you chose not to attend the
24 October 20, 2010, meeting?

25 A Intentionally? Normally the break time is

1 between 8:00 and 8:15, according to regulations. If I
2 don't wish to attend, I do not have to attend.

3 Q So --

4 A It's not mandatory to attend the meeting.

5 Q So you made a decision not to attend the
6 October 20, 2010, meeting. Correct?

7 A I didn't make any decision.

8 Q Did someone else --

9 A I might not have attended the meeting. That
10 doesn't say, I'm not going to attend the meeting. I might
11 have a reason not to go to the meeting, but I didn't say,
12 I'm not going to attend the meeting.

13 JUDGE WEISS: Hold on, Mr. Junaid. Is the
14 reason that you didn't attend the meeting on October 20
15 because you didn't realize you had to, or because you just
16 decided not to?

17 THE WITNESS: It's because I have a project
18 downstairs I need to work on, and I didn't have to attend
19 the meeting when I have a project downstairs to work on.

20 JUDGE WEISS: Okay. So you felt there was a
21 better use of your time.

22 THE WITNESS: Correct.

23 JUDGE WEISS: Okay. Go ahead.

24 BY MR. MUIR:

25 Q Now, sir, turn to Exhibit D, as in dog, and --